

Docket No.: 0825-0173PUS2
(PATENT) # 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bengt GUSS et al.

Application No.: 10/530,879 ✓

Confirmation No.: 2276

Filed: April 11, 2005

Art Unit: 1645

For: IMMUNIZATION OF NON-HUMAN
MAMMALS AGAINST STREPTOCOCCUS
EQUI

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

- ☒ a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☐ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☐ d. OTHER - The following additional information is provided for the Examiner's consideration.

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This section is not to be used with RCE's.)

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

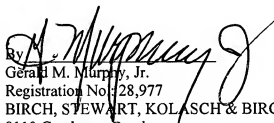
- ☐ The required fee is listed on the attached Fee Transmittal.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 28, 2005

Respectfully submitted,


Gerald M. Murphy, Jr.
Registration No. 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s):

- ☒ PTO-SB08
- ☒ Documents

Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number 10/530,879-Conf. #2276
 Filing Date April 11, 2005
 First Named Inventor Bengt GUSS
 Art Unit 1645
 Examiner Name Not Yet Assigned
 Attorney Docket Number 0825-0173PUS2

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.†	Document Number Number-Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA*	US-5,583,014-A	12-10-1996	Brown et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.†	Foreign Patent Document Country Code*-Number*Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	†
	BA	WO-87/00436-A1	01-29-1987			
	BB	WO-98/01561-A1	01-15-1998			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † CITE NO.: These application(s) which are marked with an asterisk () next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the F.W. ‡ Applicant's unique citation designation number (optional). § See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ¶ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). * For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. † Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ‡ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	†
	CA	HARRY S. COURTNEY et al., "Cloning, Sequencing, and Expression of a Fibronectin/Fibrinogen-Binding Protein from Group A Streptococci," Infection and Immunity, Vol. 62, No. 9, Sept. 1994, pp.3937-3946.	X
	CB	D. CUE et al., "Streptococcus pyogenes Serotype M1 Encodes Multiple Pathways for Entry into Human Epithelial Cells," Infection and Immunity, Oct. 1998, Vol. 66, No. 10, pp. 4593-4601.	X
	CC	JORGE E. GALAN et al., "Immunologic and Genetic Comparison of Streptococcus equi Isolates from the United States and Europe," Vol. 26, No. 6, June 1988, pp.1142-1146.	X
	CD	RICHARD O. HYNES, "Fibronectins," Chapter 5, Interactions of Fibronectins, pp.84-112.	X
	CE	EVA ENGVALL et al., "Affinity of Fibronectin to Collagens of Different Genetic Types And To Fibrinogen," Downloaded from www.jem.org on October 26, 2005, pp.1584-1595.	X
	CF	JOSEPH M. PATTI et al., "Molecular Characterization and Expression of a Gene Encoding a Staphylococcus aureus Collagen Adhesin," Vol. 267, No. 7, March 5, pp. 4766-4772, 1992.	X
	CG	HANS JONSSON et al., "A Protein G-Related Cell Surface Protein in Streptococcus zooepidemicus," Infection and Immunity, Vol. 63, No. 8, August 1995, pp.2968-2975.	X
	CH	HANS LINDMARK et al., "Fibronectin-Binding Protein of Streptococcus equi subsp. zooepidemicus," Infection and Immunity, Oct. 1996, pp.3993-3999, Vol. 64, No. 10.	X
	CI	KARIN JACOBSSON et al., "Shot-gun phage display mapping of two streptococcal cell-surface proteins," Microbiol. Res. (1997) 152, pp. 1-8.	X
	CJ	LOUIS WINNER III et al., "New Model for Analysis of Mucosal Immunity: Intestinal Secretion of Specific Monoclonal Immunoglobulin A from Hybridoma Tumors Protects against <i>Vibrio cholerae</i> Infection," Infection and Immunity, Mar. 1991, pp.977-982, Vol. 59, No. 3.	X
	CK	EMANUEL HANSKI et al., "Protein F, a fibronectin-binding protein, is an adhesin of the group A streptococcus <i>Streptococcus pyogenes</i> ," Proc. Natl. Acad. Sci. USA, Vol. 89, pp.6172-6176, July 1992.	X

Examiner Signature _____ Date Considered _____

Birch, Stewart, Kolasch & Birch, LLP

GMM/ta

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BG/





Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08a/b (07-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/530,879-Conf. #2276
		Filing Date	April 11, 2005
		First Named Inventor	Bengt GUSS
		Art Unit	1645
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	0825-0173PUS2
Sheet	2	of	2

	CL	EMANUEL HANSKI et al., "Expression of Protein F, the Fibronectin-Binding Protein of <i>Streptococcus pyogenes</i> JRS4, in Heterologous Streptococcal and Enterococcal Strains Promotes Their Adherence to Respiratory Epithelial Cells," Infection and Immunity, Dec. 1992, pp.5119-5125, Vol. 60, No. 12	X
	CM	GABRIELLA MOLINARI et al., "The Fibronectin -Binding Protein of <i>Streptococcus pyogenes</i> , SfbI, Is Involved in the Internalization of Group A Streptococci by Epithelial Cells," Infection and Immunity, Apr. 1997, pp.1357-1363, Vol. 65, No.4.	X

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Brian Gangle/	Date Considered	06/09/2008
-----------------------	----------------	--------------------	------------

Birch, Stewart, Kolach & Birch, LLP

GMM/na

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BG/